

REMARKS

Claims 1-20 are pending. Claims 9-14 and 20 were allowed; Claims 5-8 and 19 were objected to; and Claims 1-4 and 15 were rejected. Applicant has made appropriate amendments that now place this case in condition for allowance. Reconsideration is therefore respectfully requested.

Claim Rejections – 35 U.S.C. § 101

The examiner rejected Claims 1-4, contending that the invention is directed to non-statutory subject matter. The examiner suggested that adding language to the effect of “assigning a production order to the manufacturing plant based on the calculated balance assignments” would meet the tangibility requirement. Applicant has added language to this effect to independent Claim 1, upon which Claims 2-4 depend.

Claim Rejections – 35 U.S.C. § 103

The examiner rejected Claims 1-4 and 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Nam in view of Dietrich et al. Applicant has amended Claims 1 and 15, i.e., the only two independent claims that are the subject of this rejection. As amended, applicant respectfully submits that this rejection has been overcome and reconsideration of this rejection is respectfully requested.

More specifically, applicant has amended independent Claims 1 and 15 to make clear that the resulting assignments are balanced among a plurality of manufacturing plants. Nowhere does the examiner contend that balancing between a plurality of manufacturing plants is taught by Nam or Dietrich et al. To the contrary, the examiner cites “the balancing of vehicle orders among a plurality of manufacturing plants” as one of his reasons for allowing claims 9-14 and 20.

Allowable Subject Matter

The examiner allowed Claims 9-14 and 20. Applicant has not made any amendments to these claims.

The examiner objected to Claims 5-8 and 19 as being dependent upon a rejected base claim, but stated that they would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. As explained above, these base claims have been amended and should now be allowable. Applicant has also made non-substantive amendments to Claims 5 and 19 to make them consistent with the amendments to the base claims that have been made.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this case is now in condition for allowance and early notice of same is earnestly requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account.

Respectfully submitted,

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